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March 24, 2006

Carol A. Laham
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Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

AOR 2006-14

2006 MAR 24 P 3:12

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: Advisory Opinion Request

Dear Commissioners:

On behalf of the National Restaurant Association PAC (the "NRA PAC"), we respectfully request an advisory opinion from the Federal Election Commission ("FEC" or "Commission") pursuant to 2 U.S.C. § 437f, regarding the solicitation and transmittal of candidate contributions from the general public as independent expenditures by the NRA PAC.

In summary, the NRA PAC wants to confirm that it may make independent expenditures to the general public soliciting contributions to clearly identified federal candidates and then transmit those contributions to the earmarked recipients. The NRA PAC wants to ensure that its proposed activity will comply with the Federal Election Campaign Act of 1971, as amended (the "Act").

FACTS

A. Background on the NRA PAC

The NRA PAC is the separate segregated fund of the National Restaurant Association ("NRA") and is a multicandidate committee under the FEC's regulations. The NRA, in turn, is an incorporated nonprofit trade association exempt from taxation under Section 501(c)(6) of the Internal Revenue Code. The NRA is organized under the laws of Illinois and has its principal place of business in Washington, D.C.

B. Proposed Independent Expenditure Program

The NRA and its PAC currently communicate with the NRA's "restricted class" as permitted by 11 C.F.R. §§ 114.3 and 114.8. The PAC wants to communicate with individuals beyond this class, but will in no way solicit contributions from persons beyond the restricted class for the NRA PAC. Accordingly, the NRA PAC proposes to engage in a variety of activities with respect to communications with the general public. First, the NRA PAC intends to communicate with the general

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public and in such communications advocate the election or defeat of clearly identified candidates, most of whom will have previously been endorsed by the NRA. Second, in the same or separate public communications, the NRA PAC proposes to ask for contributions to certain clearly identified candidates, again, most of whom will have been previously endorsed by the NRA. These public communications will be made (1) by email paid for by the PAC; (2) through the portions of the NRA's Internet web site that are paid for by the PAC; (3) through PAC-sponsored ads placed for a fee on the websites of others, like bloggers; and (4) by direct mail paid for by the PAC.

All communications will be made by the NRA PAC and will be made independently of any candidate, authorized committee, political party committee, or agent of the foregoing, although the PAC will contact the campaign immediately before the first transfer of earmarked contributions in order to verify the proper email and mailing addresses. As independent communications, the communications will contain, in a printed box, the following legal notice: "Paid for by the National Restaurant Association PAC and not authorized by any candidate or candidate's committee. [web address, phone number, or street address]." Any public communication that contains a request for contributions will inform recipients that candidate contributions are limited to \$2,100 per election and that contributions by foreign nationals are prohibited. Such communications also will include a "best efforts" disclaimer as required by 11 C.F.R. § 104.7 and will inform prospective contributors that their contribution will be earmarked pursuant to 11 C.F.R. § 110.6(d). The solicitation materials also will inform each prospective contributor that, if he or she has previously made a direct contribution to the listed candidate, those contributions will be aggregated for purposes of the \$2,100 per election contribution limit.

Moreover, the PAC's public communications will ask the contributors either to send a personal check payable to the candidate's committee to the NRA PAC for delivery to the candidate committee or to provide credit card information to be transmitted by the NRA PAC to the selected candidate by secure means. The NRA PAC will securely forward to the appropriate candidate's committee all responses to the request for contributions, be they by credit card charge or personal check to the campaign. The PAC also will forward with the contributions any technical information necessary for the decryption by the campaign of the encrypted credit

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card information.¹ The PAC will send any earmarked contribution and the contributor information that has been provided by the contributor to the campaign within 10 days of receipt. The PAC will not deposit any of the earmarked contributions in its own account or otherwise divert the funds to uses other than the clear earmarking instructions provided by the contributor.

The PAC intends to report as independent expenditures the costs directly connected to the public communications containing the express advocacy or requests for candidate contributions. These internal and external costs, to be paid for by the PAC, include the following: creative, list rental, production, mailing, postage, use of computer servers, and ad placement costs. If a PAC communication clearly identifies more than one candidate, then the cost of that communication will be allocated among the independent expenditures for each candidate based upon relative space. For multiple web pages, server costs will be allocated among independent expenditures for candidates based on the fees charged to the PAC for the web pages. The cost of processing and transmitting any earmarked contributions within the time limits specified by FEC regulations and of processing and transmitting contributor information required by the FEC regulations will be paid for by the PAC as operating expenses.

The PAC intends to identify each contribution as earmarked for the appropriate candidate as memo entries on its disclosure report for the reporting period in which each such earmarked contribution was received, in accordance with 11 C.F.R. § 110.6(c)(ii).

The NRA PAC will request all required information as discussed in previous Commission opinions, *see, e.g.*, FEC Advisory Opinions 1999-20 & 1999-9, except that the NRA PAC will not actually charge the contributor's credit card (but will merely transmit the credit card charge information to the earmarked candidate committee). For example, the PAC will include on the credit card charge web page a series of boxes for a contributor to check, attesting that his or her contribution is

¹ In the alternative, for an even more secure transmittal route by email, the PAC will, prior to sending credit card information, provide the candidate committee with links to free security software and a list of recommended commercial security software for purchase by the candidate committee. Once the appropriate software has been installed by the candidate committee, the software will send an email to the PAC with the encryption code necessary for the PAC subsequently to securely transmit the credit card information to the candidate committee.

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made with funds within the source restrictions and contribution limits of the Act.
See FEC Advisory Opinion 1999-9.

QUESTIONS PRESENTED

1. *May the NRA PAC pay for, and treat as independent expenditures, communications to the general public that (1) advocate the election or defeat of a clearly identified candidate and/or (2) solicit contributions for a clearly identified candidate?*
2. *May the NRA PAC pay for, and treat as operating expenses, the cost of transmitting to the designated recipient candidate any contributions raised through the above-described communications to the general public (including the cost of transmitting required contributor information)?*
3. *May the NRA PAC continue to make independent expenditures with respect to a candidate after the PAC (a) obtains any email or street address from the candidate's committee for purposes of transmitting earmarked contributions and/or (b) sends the candidate's committee technical information about the decryption process necessary for future earmarked contributions?*

DISCUSSION

Under the Commission's regulations, federal PACs, including separate segregated funds, may pay for independent expenditures, subject to certain reporting and disclaimer requirements. 11 C.F.R. §§ 104.4, 109.10 & 110.11(a)(1). Such independent expenditures may expressly advocate the election or defeat of a clearly identified candidate, *id.* §§ 109.21(c)(3) & 100.22(a), and may request that members of the general public contribute to a candidate's campaign committee, *see* FEC Advisory Opinion 2003-23.

Persons, including separate segregated funds, may act as conduits for earmarked contributions as long as they are not specifically forbidden by FEC regulations, *see* 11 C.F.R. §§ 110.6(b)(2)(i) & 114.2(f)(2)(iii), or are prohibited from making contributions or expenditures in connection with an election for federal office, *id.* § 110.6(b)(2)(ii). The Commission does not consider the following activity to be impermissible facilitation if conducted by a separate segregated fund: "[c]ollecting and forwarding contributions earmarked to a candidate in accordance with 11 CFR

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110.6.”² *Id.* § 114.2(f)(3)(ii). “A conduit’s or intermediary’s contribution limits are not affected by the forwarding of an earmarked contribution except where the conduit or intermediary exercises any direction or control over the choice of the recipient candidate.” *Id.* § 110.6(d)(1).

A conduit or intermediary must forward any contribution earmarked for a campaign committee within 10 days of receipt. *Id.* §§ 110.6(b)(iii) & 102.8(a). A conduit or intermediary also must forward the name and mailing address of the contributor. *Id.* § 110.6(c)(iv)(A). If the amount of the contribution is greater than \$200, then the conduit or intermediary must, in addition, forward the employer’s occupation and employer. *Id.* Moreover, the conduit or intermediary must report to the campaign committee the amount of each earmarked contribution, the date received by the conduit, the intended recipient as designated by the contributor, and the date each contribution was forwarded to the recipient candidate committee. *Id.* § 110.6(c)(iv).

In 2003, the Commission held that a federal PAC could transmit contributions to a candidate and treat “the direct costs of solicitation,” if independent of the candidate, as independent expenditures payable by the PAC. FEC Advisory Opinion 2003-23. The opinion, issued to WE LEAD, explicitly overruled FEC Advisory Opinion 1980-46, which could be read to imply that all such solicitation costs were to be treated as in-kind contributions. On the other hand, if a PAC coordinates the solicitation of contributions for a candidate with that candidate, then the PAC must treat the direct costs of such solicitations as in-kind contributions to the recipient candidate. *Id.*

² Permissible separate segregated fund solicitation and transmittal activity extends to solicitations of persons outside the connected organization’s restricted class. As the Commission made clear in its Explanation and Justification in 1995, where it said

Please note that the new facilitation rules have been relocated to 11 CFR 114.2(f), since section 114.3 covers activities involving only the restricted class, and facilitation can involve activities that are directed to the restricted class or that go beyond the restricted class.

FEC, *Corporate and Labor Organization Activity; Express Advocacy and Coordination with Candidates; Final Rule*, 60 Fed. Reg. 64,260, 64,264 (Dec. 14, 1995).

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1. The NRA PAC May Make Independent Expenditures Expressly Advocating the Election or Defeat of a Clearly Identified Candidate

Under the Act and the Commission's regulations, a separate segregated fund like the NRA PAC may make independent expenditures expressly advocating the election or defeat of a clearly identified candidate. First, a separate segregated fund, like a nonconnected committee, is a "political committee" under the pertinent definition. 2 U.S.C. § 431(4). Second, a political committee is permitted to make independent expenditures as long as such communications include the proper disclaimer and are reported in the proper manner. *See, e.g., id.* § 434(b), (d), (g). Third, independent expenditures, by statutory definition, specifically include communications "expressly advocating the election or defeat of a clearly identified candidate" made independent of the candidate, his or her authorized committee, a political party committee, or agents of any of the foregoing. *Id.* § 431(17).

Based upon the above statutory definitions and prescriptions, the NRA PAC, a separate segregated fund, may make public communications that expressly advocate the election or defeat of a clearly identified candidate. If such communications are made independently of the candidate, a political committee, or their agents, such communications must be reported as independent expenditures and must include the appropriate disclaimer.

2. The NRA PAC May Make Independent Expenditures Soliciting Contributions to a Clearly Identified Candidate

As long as the NRA PAC does not coordinate these activities with the recipient candidate, his or her authorized committee, a political party, or agents of the foregoing, the NRA PAC may make independent expenditures to the general public soliciting voluntary contributions to a clearly identified candidate. As noted above, political committees like the NRA PAC may make independent expenditures. Moreover, the FEC's regulations permit separate segregated funds to solicit the general public for candidate contributions because the following activity is not considered to be impermissible corporate facilitation: "[c]ollecting and forwarding contributions earmarked to a candidate in accordance with 11 CFR 110.6." 11 C.F.R. § 114.2(f)(3)(ii).

The Commission, through its advisory opinions, has treated public communications paid for by political committees that solicit contributions for a specific candidate in the same manner as public communications that expressly advocate a candidate's

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election or defeat. *See, e.g.*, FEC Advisory Opinion 2003-23. Most recently, the Commission permitted WE LEAD, a nonconnected committee, to solicit contributions for a Democratic presidential candidate to be determined later. FEC Advisory Opinion 2003-23. In that same opinion, the FEC stated:

If WE LEAD's solicitations in this earmarking program were made independent of any candidate, candidate's authorized political committee, or its agents, by virtue of this independence the direct costs of solicitation incurred by WE LEAD would constitute independent expenditures.

Id.

There is no cognizable difference between the solicitation plan proposed by WE LEAD and the plan proposed by the NRA PAC. Under both scenarios, the direct cost of solicitation is to be paid with PAC funds. Under both scenarios, PAC funds are being used to transmit funds to the recipient candidate. Under both scenarios, the PAC will report the solicitation costs as independent expenditures if independent and as in-kind contributions if coordinated. The fact that the NRA PAC is connected to a nonprofit corporation, the NRA, does not affect the conclusion that the NRA PAC may solicit and transmit candidate contributions, just as, statutorily, it makes no difference with respect to public communications by each PAC expressly advocating the election or defeat of a clearly identified candidate.³

3. The NRA PAC May Transmit Solicited Contributions to the Intended Recipient Candidates

In FEC Advisory Opinion 2003-23, the Commission permitted the political committee to act as a conduit or intermediary for earmarked contributions made in response to PAC-sponsored candidate solicitations. This decision is consistent with the Commission's regulations, which do not prohibit political committees or separate segregated funds from acting as a conduit, *see* 11 C.F.R. § 110.6(b), (c).

³ The Act and FEC regulations specifically limit the reach of internal partisan communications made by a corporation, but the Act and FEC regulations place no limit on the reach of public communications made by a separate segregated fund. *Compare* 11 C.F.R. § 114.3 with 11 C.F.R. § 114.2(f)(3)(ii).

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As a conduit or intermediary, a political committee, as stated in the Advisory Opinion, is subject to several statutory and regulatory requirements. Among other requirements, the PAC must forward the contribution to the intended recipient within ten days and also must forward a whole host of contributor information. *See id.* §§ 110.6(b),(c); 102.8(a). In FEC Advisory Opinion 2003-23, the political committee paid the cost of any efforts to comply with these requirements.

The NRA PAC's proposal falls squarely within the rules of the Commission that expressly permit, indeed require, transmittal by a separate segregated fund. 11 C.F.R. § 114.2(f)(3)(ii). Moreover, this request is no different from the request in FEC Advisory Opinion 2003-23. Here, the NRA PAC proposes to pay for the transmittal and related compliance costs. In that opinion, the PAC, as a nonconnected PAC, paid all of its own transmittal and compliance costs. The Commission did not deem WE LEAD's costs to be independent expenditures or in-kind contributions, and, accordingly, it should not deem these same costs on the part of the NRA PAC to be anything other than operating expenses.⁴

In the same vein, the transmittal of the contributions by the NRA PAC should not affect its contribution limits with respect to the recipient candidates if the solicitation and transmittal process is independent of the candidate, his or her authorized committee, a political party committee, or the agents of any of the foregoing because the PAC is not exercising any "direction or control" over the earmarks. *See* 11 C.F.R. § 110.6(d). Rather, just like WE LEAD, the NRA PAC simply will solicit and transmit the earmarked contributions to the candidate or candidates specified by the contributors and will inform all contributors that their contributions will be so earmarked. *See* FEC Advisory Opinion 2003-23. No earmarked contributions will be deposited into the NRA PAC's account, and, for credit card contributions, the NRA PAC will not even process the charges, but simply will securely transmit the charge information to the earmarked candidate committee for processing.

⁴ The connected organization to a separate segregated fund may pay the establishment, administrative, and solicitation costs of its fund. 2 U.S.C. § 441b(b)(2)(C). In the alternative, the NRA PAC asks whether its connected organization, the NRA, may pay the transmittal and compliance costs of the PAC's proposed activity.

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4. The Limited Exchange of Information between the NRA PAC and a Recipient Candidate Does Not Vitate a Communication's Independence

As part of its intended activities, the NRA PAC proposes to conduct two activities that will assist it in complying with the transmittal requirements of sections 102.8 and 110.6 of the Commission's regulations. First, immediately before the first transmittal of earmarked contributions, the PAC plans to contact the intended recipient candidate committee and ask the committee to verify (a) an email address to which to send earmarked credit card contributions; and (b) a mailing address to which to send earmarked contributions. Second, in its first email to a candidate committee that contains earmarked credit card contributions, the PAC plans to include a technical memorandum, describing the decryption process necessary to use the encrypted credit card information. This process is necessary to enable the earmarked funds to be deposited into the campaign's account.

Neither of these activities will vitiate the independence of the NRA PAC's proposed independent expenditures. To begin, each communication is necessary to ensure that (a) the earmarked contributions are transmitted to the intended recipient candidate within the ten day limit as prescribe in 11 C.F.R. §§ 110.6(b)(2)(iii) and 102.8(a), and (b) the contributor information required by 11 C.F.R. § 110.6(c)(1)(iv) also is transmitted in a timely manner. Without such information, the NRA PAC and the recipient committee will be unable to fulfill the contributor's earmarking instructions.

Moreover, the proposed communications between the NRA PAC and the candidate's committee do not rise to the level of interaction contemplated by the Commission's coordination regulations. First, the communications do not in the least amount to a request or suggestion of the candidate, since the information relayed from the candidate committee simply informs the PAC of the preferred email or mailing address. This communication by the candidate committee also is not an assent to any communication by the NRA PAC because the PAC does not learn any of the means through which the PAC is soliciting contributions but is merely providing the PAC a path through which to forward earmarked contributions.⁵ Second, for basically the same reasons, there is no material involvement on the part of the recipient campaign in the NRA PAC's activity by virtue of the campaign's verifying the preferred email or mailing address. The

⁵ A communication requesting verification of email and mailing addresses is the functional equivalent of the first email or overnight package delivering earmarked contributions.

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information is merely administrative and does not go to any of the factors addressed in paragraphs (i) to (vi) of 11 C.F.R. § 109.21(d)(2).⁶ Except for the email or mailing address, the campaign is not providing the NRA PAC with any information. As the Commission has stated, “the term ‘materially involved in decisions’ does not encompass all interactions, only those that are important to the communication.” FEC, *Coordinated and Independent Expenditures*, Final Rule, 68 Fed. Reg. 421, 433 (Jan. 3, 2003). Third, the information relayed by the candidate’s campaign does not rise to the level of the candidate’s “campaign plans, projects, activities, or needs,” 11 C.F.R. § 109.21(d)(3), since the information consists solely of technical information necessary for the campaign to receive the contributions intended for it by the contributors and for the campaign to comply with its own requirement that contributions be deposited into the campaign account within ten days, *id.* § 103.3(a).⁷ Finally, the NRA PAC does not propose to use any common vendors or former employees or independent contractors in its proposed activities.

To the extent that the coordination regulations also apply to information from the NRA PAC to a campaign, the proposed communications by the NRA PAC do not rise to the level of coordination. The call to verify the preferred email and mailing addresses will simply ask for addresses necessary for earmarked contributions. The technical information about decryption will not describe the solicitation plan at all, but will merely describe the computer code and key necessary for the campaign to access the credit card information and finalize the charge. Without this technical information, the contributor’s expressed intent of an earmarked contribution will not

⁶ The factors constituting material involvement in the conduct prong of the Commission’s coordination regulation are as follows:

- (i) The content of the communication;
- (ii) The intended audience for the communication;
- (iii) The means or mode of the communication;
- (iv) The specific media outlet used for the communication;
- (v) The timing or frequency of the communication; or
- (vi) The size or prominence of a printed communication, or duration of a communication by means of broadcast, cable, or satellite.

⁷ If the NRA PAC sends credit card contributions to an email address listed on the campaign’s website that is, unbeknownst to the NRA PAC, only checked by busy campaign staffers every week or so, there is a risk that the earmarked contributions will fail to comply with the ten day rule in 11 C.F.R. § 102.8(a). Such a publicly-known campaign email account also may be overrun with spam, making timely review by campaign staffers all the more difficult. Verification by the NRA PAC of a proper email address for contributions eliminates this risk.

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March 24, 2006
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be fulfilled because the campaign will not be able to access the credit card information and process the charge.⁸

CONCLUSION

In sum, the NRA PAC may make independent expenditures that (a) expressly advocate the election or defeat of a clearly identified candidate and (b) solicit contributions for clearly identified candidate. Without affecting its own contribution limits, the PAC then may forward those contributions (including required contributor information) to the earmarked candidates within ten days of receipt. Neither the fact that the PAC includes technical information on the decryption of the credit card information in any electronic transmittal of funds nor the fact that the PAC had contacted the campaign immediately before the first transmittal in order to verify the email and mailing addresses affects the independence of the PAC's public communications.

Our client respectfully requests an advisory opinion confirming the above.

Sincerely,



Carol A. Laham
D. Mark Renaud

⁸ For the same reasons, the PAC asks the Commission also to confirm that the alternative security arrangements described in footnote 1, *supra*, do not vitiate the independence of any PAC earmarking program.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 3, 2006

Carol A. Laham, Esq.
D. Mark Renaud, Esq.
Wiley Rein & Fielding, LLP
1776 K Street, NW
Washington, DC 20006

Dear Ms. Laham and Mr. Renaud;

This refers to your letter dated March 24, 2006, concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to solicitations by the National Restaurant Association PAC (the "NRA PAC") seeking funds for various candidates for Federal office.

You state that the NRA PAC, a separate segregated fund of the incorporated trade association National Restaurant Association, intends to pay for communications that expressly advocate the election or defeat of one or more clearly identified candidates and solicit contributions on behalf of one or more candidates. You explain that the NRA PAC intends to distribute these communications beyond its restricted class, and that it intends to treat the payments for the communications as independent expenditures. You note that the NRA PAC will not deposit any funds it receives from these solicitations into its own accounts, but rather will forward all earmarked funds directly to the appropriate candidate, along with any necessary electronic information and technology that the candidate would need to process the contribution.

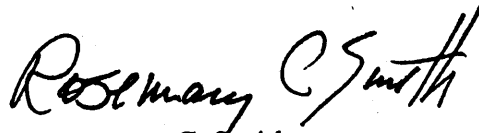
The Act authorizes the Commission to issue an advisory opinion request in response to a "complete written request" from any person about a specific transaction or activity by the requesting person. 2 U.S.C. 437f(a). The request must concern a specific transaction or activity that "the requesting person plans to undertake or is presently undertaking and intends to undertake in the future." 11 CFR 112.1(b). Such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). The Office of General Counsel shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. See 11 CFR 112.1(d).

Given the aforementioned statutory and regulatory requirements for a complete advisory opinion request, this Office requests further detail regarding the intended activity described above. Specifically:

1. On page two of your request, you state that the solicitations will be made through four different methods, including "through the portions of the NRA's Internet web site that are paid for by the PAC."
 - (a) Please explain the meaning of "portions of NRA's website that are paid for by the PAC," including an explanation of how the website costs are allocated.
 - (b) Please state whether the NRA website, including any portions paid for by the NRA PAC, are password restricted or otherwise limited to the restricted class. If so, please identify them.
2. On page three of your request you indicate that the NRA PAC will send "any earmarked contribution" to the campaign within ten days of receipt, and will not divert the funds to "uses other than the clear earmarking instructions provided by the contributor." Please explain how you will process payments that you receive as a result of your solicitations beyond your restricted class if the payment is not clearly earmarked for a particular candidate (*i.e.*, it is presented for uses other than an earmarked contribution to a Federal candidate.)

If you have any questions about the advisory opinion process or this letter, please contact Richard Ewell, an attorney in this Office, at 202-694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary C. Smith", with a stylized flourish at the end.

Rosemary C. Smith
Associate General Counsel



Wiley Rein & Fielding LLP

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April 6, 2006

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VIA HAND DELIVERY

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OFFICE OF GENERAL
COUNSEL
2006 APR -6 P 4: 49

Re: Follow-up Answers for Advisory Opinion Request

Dear Ms. Smith:

We are in receipt of your letter dated April 3, 2006, which referred to our Advisory Opinion Requested dated March 24, 2006. Below we respond to the questions that you put forward in that letter.

1(a). The National Restaurant Association PAC ("NRA PAC") does not currently pay for any of the costs of the website provided to it as an administrative expense by its connected organization, the National Restaurant Association ("NRA"). As part of its planned independent expenditure program described in detail in its Advisory Opinion Request dated March 24, 2006, the PAC will pay the fair market value for the use of separate server space for the independent expenditure web pages, either from an outside vendor or from the NRA. Moreover, the NRA PAC will pay the costs for internal staff and/or outside vendors to develop the necessary web pages and the general system for soliciting, receiving, and forwarding earmarked contributions, including any related consulting costs.

1(b). The current web pages provided by the NRA to the NRA PAC include a password protected portion in which solicitations for the PAC are contained. Access to this portion is limited to the solicitable class. This NRA-provided website will not be part of the independent expenditure program and access will continue to be limited to the NRA's solicitable class. The webpage that contains the link to the password protected PAC website can be accessed at <http://www.restaurant.org/government/nrapac/index.cfm>.

2. The NRA PAC did not contemplate receiving as a result of this program any contributions that were not properly earmarked. Nevertheless, any contributions received by the NRA PAC as a result of the independent expenditure program from individuals who are not members of the NRA's solicitable class will be returned to the contributor. There will be no such problem with credit card contributions

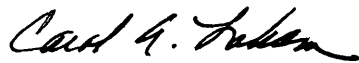
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Rosemary C. Smith
April 6, 2006
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because the independent expenditure website will be programmed in such a way that it will not permit any contributions to be made other than earmarked contributions to one of the recommended candidate committees.

We trust that the above discussion answers your questions and that our advisory opinion request will be deemed to be complete.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol A. Laham".

Carol A. Laham
D. Mark Renaud

